

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KWAGI I. KELLEY,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C14-5801-MJP-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of her application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 12.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings before an Administrative Law Judge (“ALJ”). On remand, the ALJ shall hold a *de novo* hearing and issue a new decision, and plaintiff may raise any issue and submit additional evidence in support of her claim. The ALJ shall also reevaluate the medical opinions of Dr. Lemberg and Dr. Whitaker-Clark. In light of the reevaluated medical evidence, the ALJ shall reevaluate the credibility of plaintiff’s

1 subjective allegations. Based on this evidence, the ALJ shall evaluate the claimant's residual
2 functional capacity and continue to step four and, if needed, step five, obtaining vocational
3 expert testimony if necessary.

4 Upon proper application, the Court will consider whether reasonable attorney's fees and
5 costs should be awarded pursuant to 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

6 Because the parties have stipulated that the case be remanded as set forth above, the
7 Court recommends that United States District Judge Marsha J. Pechman immediately approve
8 this Report and Recommendation. The Clerk should note the matter for **May 19, 2015** as ready
9 for Judge Pechman's consideration. A proposed order accompanies this Report and
10 Recommendation.

11 DATED this 19th day of May, 2015.

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13 JAMES P. DONOHUE
14 Chief United States Magistrate Judge
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